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November 12, 2015

VIA ECF AND FEDERAL EXPRESS

Honorable Deborah A. Batts
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: In re J. Ezra Merkin and BDO Seidman Secs. Litig., No. 08 Civ. 10922 (DAB), Croscill Inc. v. Gabriel Capital, L.P., No. 09 Civ. 6031 (DAB), and Morris Fuchs Holdings, LLC v. Gabriel Capital, L.P., No. 09 Civ. 6483 (DAB) (S.D.N.Y.)

Dear Judge Batts:

We represent the BDO defendants. You have twice previously extended our time to submit a further memorandum concerning the application of SLUSA in light of recent Second Circuit precedent and concerning issues of subject matter jurisdiction. That extension expires this Monday, November 16.

The parties are continuing to resolve minor differences and to document their settlement. With the concurrence of counsel for class plaintiffs, we request a further thirty-day adjournment. We hope that this will be the last such request other than perhaps one to obtain approval of the state court for a fully executed settlement agreement.

The parties again thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Ira G. Greenberg".

Ira G. Greenberg

cc: All counsel (via ECF)

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